

HOUSE JOURNAL

SEVENTY-FIFTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

TWENTY-FIRST DAY — WEDNESDAY, FEBRUARY 19, 1997

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 23).

Present — Mr. Speaker; Alexander; Allen; Alvarado; Averitt; Bailey; Berlanga; Bonnen; Bosse; Brimer; Burnam; Carter; Chavez; Chisum; Clark; Coleman; Cook; Counts; Crabb; Craddick; Cuellar; Culberson; Danburg; Davila; Davis; Delisi; Denny; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Flores; Gallego; Galloway; Garcia; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hinojosa; Hirschi; Hochberg; Hodge; Holzheuser; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Jones, J.; Junell; Keel; Keffer; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; Moffat; Moreno; Mowery; Naishtat; Nixon; Oakley; Oliveira; Olivo; Palmer; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Rhodes; Roman; Sadler; Seaman; Serna; Shields; Siebert; Smith; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williams; Williamson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Absent, Excused — Christian; Corte; Luna; Rodriguez.

Absent — Kamel; Wilson.

The invocation was offered by Reverend Jonathan Folts, Holy Spirit Episcopal Church, Dripping Springs, as follows:

Almighty God, who has given us this good land for our heritage, we humbly beseech you that we may always prove ourselves a people who are mindful of your favor and glad to do your bidding. Bless our land with honorable industry, sound learning, and pure manners. Save us from violence, discord, and confusion; from pride and arrogance, and from every evil way. Defend our liberties and fashion into one united people the differing multitudes who gather together as one body. Endue with the spirit of wisdom those to whom in your name we entrust the authority of government, that there may be justice and peace at home, and that, through obedience to your law, we may show forth your praise among the nations of the earth. In the time of prosperity, fill our hearts with thankfulness, and in the day of trouble, suffer not our trust in you to falter or fail. All this we ask through our Lord, Jesus Christ. Amen.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence for today because of important business:

Christian on motion of Keel.

Corte on motion of Chisum.

The following member was granted leave of absence for today because of important business in the district:

Rodriguez on motion of Kubiak.

(Kamel now present)

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

(Wilson now present)

CAPITOL PHYSICIAN

The speaker recognized Representative McReynolds who presented Dr. C. Bryce Thomas of Jasper as the "Doctor for the Day."

The house welcomed Dr. Thomas and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

(Speaker pro tempore in the chair)

HCR 91 - ADOPTED (by Patterson)

Representative Patterson moved to suspend all necessary rules to take up and consider at this time **HCR 91**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

HCR 91, Designating February 19, 1997, as Paris-Lamar County Day at the Capitol.

HCR 91 was read and was adopted without objection.

HCR 65 - ADOPTED (by Delisi)

Representative Delisi moved to suspend all necessary rules to take up and consider at this time **HCR 65**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

HCR 65, Commemorating the 100th anniversary of the founding of Scott & White Memorial Hospital in Temple.

HCR 65 was read and was adopted without objection.

HCR 81 - ADOPTED (by Hamric, Woolley, et al.)

Representative Hamric moved to suspend all necessary rules to take up and consider at this time **HCR 81**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

HCR 81, In memory of Pam Lychner.

HCR 81 was read and was unanimously adopted by a rising vote.

On motion of Representative Culberson, the names of all the members of the house were added to **HCR 81** as signers thereof.

INTRODUCTION OF GUEST

The speaker pro tempore introduced Joe Lychner, husband of Pam Lychner. Mr. Lychner addressed the house briefly.

(Speaker in the chair)

HCR 88 - ADOPTED

(by Allen)

Representative Allen moved to suspend all necessary rules to take up and consider at this time **HCR 88**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HCR 88, Designating February 19, 1997, as Crime Victims Day.

HCR 88 was read and was adopted without objection.

HR 168 - ADOPTED

(by Denny)

Representative Denny moved to suspend all necessary rules to take up and consider at this time **HR 168**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 168, Declaring Wednesday, February 19, 1997, as Rockwall County Day at the State Capitol.

HR 168 was read and was adopted without objection.

On motion of Representative Pitts, the names of all the members of the house were added to **HR 168** as signers thereof.

(Berlanga in the chair)

(Speaker in the chair)

HR 175 - ADOPTED

(by Palmer)

Representative Palmer moved to suspend all necessary rules to take up and consider at this time **HR 175**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 175, Congratulating John and Mary Dever on their 50th wedding anniversary.

HR 175 was adopted without objection.

HR 176 - ADOPTED
(by Palmer)

Representative Palmer moved to suspend all necessary rules to take up and consider at this time **HR 176**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 176, Congratulating Sandy and Terry Shields on their 50th wedding anniversary.

HR 176 was adopted without objection.

HR 177 - ADOPTED
(by Palmer)

Representative Palmer moved to suspend all necessary rules to take up and consider at this time **HR 177**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 177, In memory of Gladys Youngblood Ross.

HR 177 was unanimously adopted by a rising vote.

HR 186 - ADOPTED
(by Berlanga, Luna, Seaman, and Hawley)

Representative Berlanga moved to suspend all necessary rules to take up and consider at this time **HR 186**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 186, Designating February 19, 1997, as Corpus Christi Day at the Capitol.

HR 186 was read and was adopted without objection.

INTRODUCTION OF GUEST

The speaker recognized Representative Berlanga, who introduced Jack West, Corpus Christi City Councilman.

HR 185 - ADOPTED
(by Berlanga, Luna, Seaman, and Hawley)

Representative Berlanga moved to suspend all necessary rules to take up and consider at this time **HR 185**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 185, Honoring the Most Reverend Rene Henry Gracida on the occasion of the 25th anniversary of his ordination to the Episcopacy.

HR 185 was read and was adopted without objection.

On motion of Representative Patterson, the names of all the members of the house were added to **HR 185** as signers thereof.

INTRODUCTION OF GUEST

The speaker recognized Representative Seaman, who introduced the Most Reverend Rene Henry Gracida.

HR 187 - ADOPTED (by Merritt)

Representative Merritt moved to suspend all necessary rules to take up and consider at this time **HR 187**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 187, Honoring the organization Turn Around Texas for its antidrug efforts.

HR 187 was read and was adopted without objection.

On motion of Representative Pitts, the names of all the members of the house were added to **HR 187** as signers thereof.

HR 188 - ADOPTED (by Hawley)

Representative Hawley moved to suspend all necessary rules to take up and consider at this time **HR 188**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 188, Honoring Robert L. Herndon.

HR 188 was adopted without objection.

HR 183 - ADOPTED (by Uher)

Representative Uher moved to suspend all necessary rules to take up and consider at this time **HR 183**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 183, Congratulating the Sweeny High School Lady Bulldog softball team on winning the 1996 Class 3A state championship.

HR 183 was read and was adopted without objection.

On motion of Representative Bonnen, the names of all the members of the house were added to **HR 183** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representative Uher, who introduced the Sweeny High School Lady Bulldog softball team and coaching staff.

HR 191 - ADOPTED (by Kubiak)

Representative Kubiak moved to suspend all necessary rules to take up and consider at this time **HR 191**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 191, Honoring the Leo Majek Orchestra of Corpus Christi on the occasion of its 100th anniversary.

HR 191 was adopted without objection.

On motion of Representative Seaman, the names of all the members of the house were added to **HR 191** as signers thereof.

HR 160 - ADOPTED (by Dunnam)

Representative Dunnam moved to suspend all necessary rules to take up and consider at this time **HR 160**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 160, Congratulating Ruben and Nelda Stone on their 50th wedding anniversary.

HR 160 was adopted without objection.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Insurance, 1:30 p.m. today, E1.004, Capitol Extension, to consider managed care legislation.

RULES SUSPENDED

Representative Woolley moved to suspend the 5-day posting rule to allow the Committee on Pensions and Investments, Subcommittee on the Texas Growth Fund, to consider **HJR 65** and **HB 683**.

The motion prevailed without objection.

PROVIDING FOR ADJOURNMENT

Representative Stiles moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 10 a.m. tomorrow in memory of M. J. "Duffy" Adair, chairman of the

Jefferson County Drainage District Number 7 and County Judge Oscar Nelson of Chambers County.

The motion prevailed without objection.

**BILLS AND JOINT RESOLUTIONS ON FIRST READING
AND REFERRAL TO COMMITTEES
RESOLUTIONS REFERRED TO COMMITTEES**

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

ADJOURNMENT

In accordance with a previous motion, the house, at 11:24 a.m., adjourned until 10 a.m. tomorrow.

ADDENDUM

REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

List No. 1

HB 8 (by Stiles, Raymond, and Kamel), Relating to the extension of the full faith and credit of the state to support the Texas tomorrow fund.

To Pensions & Investments.

HB 9 (by Stiles, Raymond, and Kamel), Relating to the prepaid higher education tuition program.

To Pensions & Investments.

HB 1380 (by Howard), Relating to the enforcement of certain traffic laws by private institutions of higher education.

To Public Safety.

HB 1381 (by Seaman), Relating to the eligibility of certain elected or appointed peace officers for a concealed handgun license.

To Public Safety.

HB 1382 (by Janek), Relating to the prosecution of and the punishment for the offense of interference with child custody.

To Criminal Jurisprudence.

HB 1383 (by Janek), Relating to the administration of the Health and Human Services Commission, the state Medicaid program, and the rights of recovery of Medicaid providers.

To Public Health.

HB 1384 (by Telford), Relating to the tuition charged to certain nonresident students registered at certain upper-level public institutions of higher education.

To Higher Education.

HB 1385 (by Junell), Relating to restrictions on spending by state agencies for certain employee benefits, fees, or membership dues.

To State Affairs.

HB 1386 (by Gray), Relating to the continuation and the functions of the Board of Pardons and Paroles.

To Corrections.

HB 1387 (by Gray), Relating to the continuation and functions of the Automobile Theft Prevention Authority.

To Transportation.

HB 1388 (by Garcia), Relating to school uniforms for public school students.

To Public Education.

HB 1389 (by Rodriguez), Relating to restrictions on employees of certain county law enforcement officers to run for the office of constable or sheriff.

To County Affairs.

HB 1390 (by Serna), Relating to the regulation of homeopathic medicine; providing penalties.

To Public Health.

HB 1391 (by Torres), Relating to continuing education requirements for air conditioning and refrigeration contractors.

To Licensing & Administrative Procedures.

HB 1392 (by Cuellar), Relating to the consolidation of the fiscal and program audit functions of the Texas Department of Criminal Justice.

To Corrections.

HB 1393 (by Wise), Relating to including felony information on a driver's license.

To Public Safety.

HB 1394 (by B. Turner), Relating to municipal annexation requirements and the corresponding provision of municipal services.

To Land & Resource Management.

HB 1395 (by B. Turner), Relating to the review and approval of certain permits by the state, a municipality, or other local government agencies.

To Land & Resource Management.

HB 1396 (by Rodriguez and Van de Putte), Relating to the enterprise zone program.

To Economic Development.

HB 1397 (by Haggerty), Relating to the authority of certain municipalities to impose a local tax on the gross rental receipts from the rental of a rented motor vehicle; providing penalties.

To Ways & Means.

HB 1398 (by Telford), Relating to the exemption from the sales and use tax of certain machinery or equipment used in timber production.

To Ways & Means.

HB 1399 (by Telford), Relating to the application of the sales and use tax to certain materials used in commercial timber operations.

To Ways & Means.

HB 1400 (by Telford), Relating to the election of the office of precinct chair of a political party.

To Elections.

HB 1401 (by Palmer), Relating to the regulation of automotive wrecking and salvage yards in certain counties; providing a penalty.

To Land & Resource Management.

HB 1402 (by Tillery), Relating to the sale of prepaid funeral services or funeral merchandise.

To Financial Institutions.

HB 1403 (by Kamel and Glaze), Relating to the statutory county courts of Smith County.

To Judicial Affairs.

HB 1404 (by Kamel, Williamson, Rabuck, E. Reyna, and Rangel), Relating to the authority of public institutions of higher education to offer courses by distance learning.

To Higher Education.

HB 1405 (by Flores, Kubiak, Luna, and Gutierrez), Relating to the consolidation under the jurisdiction of the Texas Department of Licensing and Regulation of certain administrative functions affecting occupational regulatory agencies.

To Licensing & Administrative Procedures.

HB 1406 (by Bosse), Relating to collection by water and sewer utilities of voluntary contributions on behalf of certain emergency services.

To Natural Resources.

HB 1407 (by Glaze and Kamel), Relating to emergency medical services and trauma care.

To Public Health.

HB 1408 (by Hill, et al.), Relating to eliminating the state lottery.

To Licensing & Administrative Procedures.

HB 1409 (by Hill), Relating to the validation of a governmental act or proceeding of a municipality.

To Urban Affairs.

HB 1410 (by Hill), Relating to authorizing economic development corporations to provide affordable housing.

To Economic Development.

HB 1411 (by Oliveira), Relating to application of the sales and use tax to telephone prepaid calling cards.

To Ways & Means.

HB 1412 (by Yarbrough), Relating to the disposition of the fines collected from defendants arrested for certain offenses by a school district peace officer.

To Criminal Jurisprudence.

HB 1413 (by McClendon), Relating to enforcement of certain requirements relating to nursing homes and similar facilities.
To Human Services.

HB 1414 (by Van de Putte, Maxey, and G. Lewis), Relating to the creation, powers, and duties of the Community Reinvestment work group.
To Economic Development.

HB 1415 (by Coleman and Maxey), Relating to the recovery of Medicaid disproportionate share hospital funds.
To Public Health.

HB 1416 (by Coleman), Relating to the planning and decision making process of school districts.
To Public Education.

HB 1417 (by Yarbrough), Relating to restrictions on contributions or expenditures by political action committees.
To Elections.

HB 1418 (by Alexander, Siebert, et al.), Relating to the regulation of motor carriers of household goods.
To Transportation.

HB 1419 (by D. Jones), Relating to public access to conviction information maintained by the Texas Department of Public Safety.
To Public Safety.

HB 1420 (by Chavez), Relating to the enforcement of a juvenile court order for restitution.
To Juvenile Justice & Family Issues.

HCR 90 (by Thompson), In memory of the Honorable Barbara C. Jordan.
To Rules & Resolutions.

HJR 8 (by Stiles, Kamel, Ramsay, Place, and Raymond), Proposing a constitutional amendment to extend the full faith and credit of the state to support the Texas tomorrow fund.
To Pensions & Investments.

HR 169 (by Denny, McCall, and Madden), Designating February 26, 1997, as Collin County Day at the State Capitol.
To Rules & Resolutions.

HR 171 (by Clark), Recognizing February 26, 1997, as Sherman and Denison Chambers of Commerce Day at the Capitol.
To Rules & Resolutions.

HR 172 (by Clark), Honoring Kenneth and Frances Bailey on the occasion of their 50th wedding anniversary.
To Rules & Resolutions.

HR 173 (by Clark), Congratulating Jessica Pruett on winning the national Punt, Pass, and Kick competition.
To Rules & Resolutions.

HR 174 (by Rodriguez and Naishtat), Recognizing the week of May 5-9, 1997, as School Social Work Week in Texas.
To Rules & Resolutions.

HR 178 (by Coleman), Commemorating the 50th anniversary of Texas Southern University.

To Rules & Resolutions.

HR 179 (by Coleman), Commemorating the 50th anniversary of the University of St. Thomas.

To Rules & Resolutions.

HR 180 (by Coleman), Honoring the United Way of the Texas Gulf Coast on the 75th anniversary of its founding.

To Rules & Resolutions.

HR 181 (by McClendon), Honoring Jo Long for her exceptional service to her community.

To Rules & Resolutions.

HR 182 (by McClendon), Commending Everett L. Turbon.

To Rules & Resolutions.

HR 184 (by Pitts), Honoring U.S. Congressman Kevin Brady.

To Rules & Resolutions.

SB 231 to Judicial Affairs.

SB 264 to Public Health.

SB 305 to Public Health.

MESSAGES FROM THE SENATE

The following messages from the senate were today received by the house:

Message No. 1

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Wednesday, February 19, 1997

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SB 114 Brown

Relating to the procedural requirements and grounds for reversing a criminal case on appeal.

SB 329 Brown

Relating to the offense of making a false report to a peace officer or to an employee of a law enforcement agency.

SB 404 Ratliff

Relating to the quorum requirements for the board of directors of the Cypress Valley Navigation District.

SB 407 Harris

Relating to minimum standards, records, suspension or revocation of a license, and administrative penalties for abortion facilities.

Respectfully,

Betty King
Secretary of the Senate